IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 94

BROTHERHOOD OF LOCOMOTIVE ENGINEERS, ET AL.,
Petitioners,

v.

LOUISVILLE AND NASHVILLE RAILROAD COMPANY,
Respondent.

SUPPLEMENTAL APPENDIX TO BRIEF OF LOUISVILLE AND NASHVILLE RAILROAD COMPANY

The following letter dated June 14, 1934, signed by Commissioner Eastman and Secretary of Labor Miss Perkins, to President Roosevelt, was put before the Senate at 78th Cong. Rec. 12375 (1934), as an expression of Administrative Purpose:

JUNE 14, 1934.

HON. FRANKLIN D. ROOSEVELT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Senator DILL advises that the amendments to the Railway Labor Act as reported out by the Senate Committee on Interstate Commerce in S. 3266 ap-

parently are not slated for passage by the Senate, especially if Congress should adjourn by the end of this week. The situation in the House is somewhat better, owing to the fact that a rule was granted by the House Rules Committee to facilitate passage of the House bill H.R. 9689. Its passage by the House, however, is not certain. Furthermore, the House bill differs in some details from the Senate bill so that in the event both Houses should pass their bills, they would probably have to go to conference to be harmonized.

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The Coordinator has drafted amendments to the Railway Labor Act designed to clear up ambiguities therein, provide definite means of representation of employees with penalties to insure management from interference in the election of representatives, *and provide for compulsory adjustment of individual grievances.* These amendments are set out in principle in the Senate bill S. 3266. The House bill H.R. 9689 has some changes. The differences are not too great for a prospect of harmonizing them in conference.

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If the proposed amendments are not enacted so as to provide an orderly system of elections under the auspices of the United States Board of Mediation to decide the issue of representation, a host of strike threats and other labor difficulties will arise this summer, demanding Presidential intervention. Similar difficulties are also likely to result because of the unavailability of adequate grievance-adjustment machinery as proposed by the amendments.

We should point out that the amendments, especially as contained in the Senate bill, are the result of long and careful study by the Federal Coordinator and his staff. The railroad labor organizations are in support of them with some minor changes. The railroads, however, while agreeing that the Railway Labor Act is defective and should be amended, consider that this should not be done until they and the railroad labor organizations are in complete agree-

ment. In our opinion such complete agreement will never be forthcoming and the enactment of the proposed amendments should not be delayed awaiting such agreement. The thorough study of the situation as made by the Coordinator should be sufficient basis for action by Congress at this time.

It is, therefore, respectfully urged that the leaders in both the Senate and the House be requested to take the necessary action to make sure that these two particular bills, S. 3266 and H.R. 9869, be not permitted to go by default and that all possible be done to bring about their enactment. If this is done it will not only forestall almost certain railroad labor difficulties in the near future but will progressively improve railroad labor relations, thus furnishing a worthy object lesson to other industry.

Respectfully yours,

THE FEDERAL COORDINATOR OF TRANSPORTATION.
THE SECRETARY OF LABOR.

(Emphasis Supplied)